

CHILE

SIGNIFICANT ADVANCEMENT

In 2023, Chile made significant advancement in efforts to eliminate the worst forms of child labor.

Chile assumed the role of Chair in the Global Coordinating Group of Alliance 8.7, providing leadership in international action towards a future without child labor and human trafficking. Chile and Argentina established a binational Child Labor Commission to exchange good practices and policies on the eradication of child labor and the protection of adolescent workers. The government conducted a National Survey of Activities of Children and Adolescents, which will result in new data to adjust programs and efforts to address child labor. In addition, the government increased its number of labor inspectors from 350 in 2022 to 481 in 2023 and conducted 10.3 percent more inspections than in the previous year. Moreover, the Ministry of Education updated an education policy to secure the right to education and inclusion for foreign children living in Chile. However, despite these efforts, human resources for the labor inspectorate were still not sufficient to fully cover a workforce of 9.6 million people, and carry out inspections covering sectors of the economy beyond agriculture. Social programs are also needed to prevent the engagements of migrant and indigenous youth in child labor.

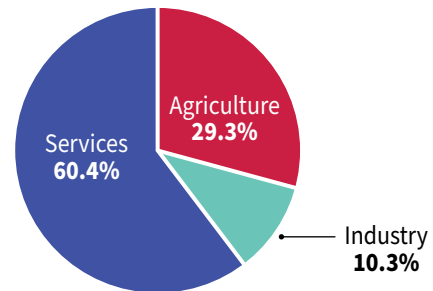


PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Statistics on Children’s Work and Education

Children	Age	Percent of Population
Working	5 to 14	3.8% (94,025)
Hazardous Work by Children	15 to 17	Unavailable
Attending School	5 to 14	99.5%
Combining Work and School	7 to 14	4.5%

Working Children by Sector, Ages 5-14



Children in Chile are subjected to the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking, and in illicit activities, such as the production and trafficking of drugs.

Overview of Children’s Work by Sector and Activity



Agriculture

Agricultural production, working in livestock rearing, forestry,† hunting,† and fishing.†



Industry

Construction,† bricklaying,† and carpentry.†



Services

Domestic work and street work,† including street vending. Working in retail, hospitality, corner stores, offices, restaurants, and bars.† Working in garbage collection† and street cleaning.



Categorical Worst Forms of Child Labor‡

Use in illicit activities, including in the production, selling, and distribution of drugs, sometimes as a result of human trafficking. Forced labor in agriculture, mining, construction, street vending, domestic work, and garment and hospitality sectors. Commercial sexual exploitation, sometimes as a result of human trafficking.

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

‡ Child labor understood as the worst forms of child labor per se under Article 3(a)-(c) of ILO C. 182.



SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

The suggested government actions below would close gaps USDOL has identified in Chile's implementation of its international commitments to eliminate the worst forms of child labor.

Legal Framework

Increase the number of labor inspectors from 481 to 642 to ensure adequate coverage of the labor force of approximately 9.6 million workers. Conduct a comprehensive inspection campaign beyond agriculture, monitoring all areas and sectors in which child labor is occurring.

Publish information on the number of child violations found in all labor inspections and number of penalties imposed and collected. Also make the information on number of investigations, prosecutions, and convictions for the worst forms of child labor crimes public.

Provide regular labor inspector refresher training.

Coordination

Improve collaboration between governmental agencies, unions, and civil society stakeholders involved in addressing child labor and forced labor.

Government Policies

Ensure that the National Action Plan Against Human Trafficking (2023–2026) is approved and implemented, and publish information about activities undertaken following the plan.

Implement the Fourth Action Plan against the Commercial Sexual Exploitation of Children and Adolescents. Make information on the results of the Third Action Plan against the Commercial Sexual Exploitation of Children and Adolescents and the progress of the current plan's activities publicly available.

Social Programs

Conduct research to determine the activities carried out by children working in forestry, hunting, and fishing to inform policies and programs.

Ensure that educational barriers, such as the lack of transportation to school in rural areas, overcrowded public schools, and discrimination against migrant children in educational settings, are addressed to prevent child labor.

Plan and deliver special programs to reduce school dropout rates and ensure the re-engagement of students.

Provide targeted social programs to support migrant and indigenous youth to prevent child labor and the worst forms of child labor.

Ensure that there are adequate services and shelters available for child survivors of human trafficking, including specialized services for male survivors.



CHILDREN AT HIGHER RISK

In Chile, children from indigenous communities and migrant children are vulnerable to the worst forms of child labor, including in agriculture, mining, street vending, domestic service, and the hospitality sector. Chilean girls, migrant girls and adolescents, especially from Venezuela and Colombia, are also at higher risk for commercial sexual exploitation. In addition, state care institutions have subjected some children to commercial sexual exploitation and used them in the production of pornography, as revealed by an investigation into Better Childhood Service. Before the creation of Better Childhood Service, similar problems were found to exist in its predecessor, the National Minor's Service (SENAME).



BARRIERS TO EDUCATION ACCESS

While education is compulsory through secondary school, some educational barriers do exist in Chile, including a lack of transportation to schools in rural areas and discrimination in educational settings, specifically against migrant children. Public schools can be overcrowded, which also creates difficulties in accessing education.



LEGAL FRAMEWORK FOR CHILD LABOR

Chile has ratified all key international conventions concerning child labor. In addition, Chile's laws and regulations are in line with relevant international standards.

Child Labor Laws and Regulations	Meets International Standards	Legislation
Minimum Age for Work, 18 Years		Articles 13 and 17 of the Labor Code; Article 13 of Law No. 21.271
Minimum Age for Hazardous Work, 18 Years		Articles 13, 14, and 18 of the Labor Code; Articles 14, 15, and 18 of Law No. 21.271
Identification of Hazardous Occupations or Activities Prohibited for Children		Articles 14–18 of the Labor Code; Decree 1; Article 18 of the Law No. 21.271
Prohibition of Slavery, Debt Bondage, and Forced Labor		Article 19, No. 2 of the Constitution; Article 2 of the Labor Code; Article 411 of the Penal Code; Article 37 of Law No. 21.430
Prohibition of Child Trafficking		Article 411 of the Penal Code
Prohibition of Commercial Sexual Exploitation of Children		Articles 366, 367, and 411 of the Penal Code; Law No. 20.594; Article 37 of Law No. 21.430
Prohibition of Using Children in Illicit Activities		Article 72 of the Penal Code; Law 21.444
Minimum Age for Voluntary State Military Recruitment, 18 Years		Chapter 1, Article 32 of the Armed Forces Recruitment and Mobilization Law No. 2.306
Prohibition of Compulsory Recruitment of Children by (State) Military		Chapter 1, Article 13 of the Armed Forces Recruitment and Mobilization Law No. 2.306
Prohibition of Military Recruitment by Non-state Armed Groups		Article 26 of Law No. 20.357
Compulsory Education Age, 18 Years ‡		Articles 4, 25, and 27 of the General Education Law No. 20.370
Free Public Education		Article 4 of the General Education Law No. 20.370

‡ Age calculated based on available information



ENFORCEMENT OF LAWS ON CHILD LABOR

In 2023, labor and criminal law enforcement agencies in Chile took actions to address child labor. However, insufficient human resources and judges suspending or commuting sentences for those convicted of child commercial sexual exploitation crimes hindered enforcement efforts.

Agencies Responsible for Child Labor Law Enforcement

Ministry of Labor and Social Welfare (MINTRAB): Enforces child labor laws, coordinating with the Better Childhood Service and the Department of Fundamental Rights. In 2023, Chile replaced the Department for the Eradication of Child Labor with the Department of Fundamental Rights. The latter leads the Ministerial Advisory Commission for the Eradication of Child Labor and Protection of Adolescent Workers (CETI), and is tasked with eradicating child labor and forced labor, as well as addressing labor issues pertaining to migration and people with disabilities. In addition, CETI launched a public website containing information on actions by the Commission and its regional offices during the reporting period. The Undersecretary of Labor within MINTRAB chairs the Ministerial Advisory Commission for the Implementation of the Protocol (ILO C.29) on forced labor.

National Prosecutor’s Office (Fiscalía Nacional): Conducts criminal investigations and prosecutes crimes related to the worst forms of child labor. Trains and coordinates with interagency partners, including the National Investigative Police, the National Uniformed Police (Carabineros), and regional and local prosecutor’s offices. In 2023, one person was sentenced to 20 years in prison for trafficking 16- to 20-year-old Colombian female migrants for commercial sexual exploitation in Chile. In another case, 2 perpetrators were sentenced to 13 and 10 years in jail, respectively, for trafficking in persons for commercial sexual exploitation with aggravated conditions because one of the victims was a minor. In June 2023, the Chilean Police Force concluded operation ‘Orion 2,’ which targeted child pornography. As a result of the operation, 95 people were arrested and 2 minors were rescued from exploitation.

Enforcement Mechanisms and Efforts

Has a Labor Inspectorate	Yes	Has a Complaint Mechanism	Yes
Able to Assess Civil Penalties	Yes	Imposed Penalties for Child Labor Violations	Yes
Routinely Conducted Worksite Inspections	Yes	Conducted Criminal Investigations for Worst Forms of Child Labor Crimes	Yes
Unannounced Inspections Permitted	Yes	Imposed Penalties for Worst Forms of Child Labor Crimes	Yes

In 2023, **481** labor inspectors conducted **91,040** worksite inspections, including **71** inspections following reports of workplace accidents in the agricultural sector involving children that resulted in identifications of **71** violations. The number of penalties imposed and collected is **unknown**. The government conducted investigations into suspected cases of the worst forms of child labor and convicted perpetrators of crimes. Nonetheless, the total number of investigations, prosecutions, and convictions is **unknown**.



COORDINATION, POLICIES, AND PROGRAMS

Key Mechanism to Coordinate Government Efforts on Child Labor

Chile established a mechanism to coordinate its efforts to address child labor.

Ministerial Advisory Commission for the Eradication of Child Labor and the Protection of Working Adolescents: Coordinates with the Department of Fundamental Rights on implementing the National Strategy for the Eradication of Child Labor and the Protection of Adolescent Workers at the national and subnational levels. In 2023, the commission signed letters of intent with employers and labor organizations, designed a case referral protocol, and implemented outreach campaigns for adolescents. Reports have noted that more robust coordination with stakeholders and NGOs is needed.

Coordination, Policies, and Programs (Cont.)

<p>Key Policies Related to Child Labor</p>	<p>National Strategy for the Eradication of Child Labor and the Protection of Adolescent Workers (2015–2025): Aims to eradicate child labor by combining efforts across national and regional agencies, and private and public entities. It also requires regions to establish a strategy to address child labor issues in their area and use a gender-based and a multicultural approach, prioritizing underserved communities. MINTRAB leads the effort, uniting government institutions, employer organizations, worker organizations, civil society, and international organizations in interinstitutional actions. The guidelines in the strategy call for a survey to be conducted every four years. In 2023, the National Statistics Institute of Chile carried out the National Survey of Activities of Children and Adolescents.</p>
<p>Chile established policies that are consistent with relevant international standards on child labor.</p>	<p>Fourth Action Plan against the Commercial Sexual Exploitation of Children and Adolescents (2021–2025): Creates cooperation mechanisms for private and public institutions to collaborate on preventing and detecting the commercial sexual exploitation of children, and providing social services and rights restitution to survivors. In October 2023, the government published a new interinstitutional investigative protocol for commercial sexual exploitation of children and adolescents.</p>
<p>‡ The government has other policies that may have addressed child labor issues or had an impact on child labor.</p>	<p>Better Childhood Service (Mejor Niñez):† Operates under the Ministry of Social Development and Family and works in coordination with the Department of Child Labor Eradication, guaranteeing the protection of vulnerable children and adolescents, particularly those living on the streets, and survivors of commercial sexual exploitation. Also coordinates with Local Offices of Childhood (<i>Oficinas Locales de la Niñez</i>) to refer cases of children whose rights have been violated to social services. These offices are located in municipalities throughout the country and are part of the larger social protection network overseen by Better Childhood Service. In 2023, the Specialized Protection Service for Children and Adolescents launched two regional Protection Plans in Antofagasta and Arica to address sexual and commercial sexual exploitation.</p>
<p>Key Social Programs to Address Child Labor</p>	<p>Chile funded and participated in a program that includes the goal of eliminating and preventing child labor. However, there is an insufficient number of shelters for survivors of human trafficking and a lack of shelters for male victims.</p>
<p>† Program is funded by the Government of Chile. ‡ The government had other social programs that may have included the goal of eliminating or preventing child labor.</p>	

For information about USDOL's projects to address child labor around the world, visit dol.gov/ILABprojects
For references, please visit dol.gov/ChildLaborReports